

REMARKS

As described in more detail below, applicants have amended the specification to correct informalities and to insert sequence identification numbers.

Further to their July 22, 2005 Written Assurance of Deposit, applicants also have amended the specification to insert the ATCC accession numbers and deposit dates of hybridoma clones 4.1.1 and 4.1.1.1 (referred to on the enclosed deposit certificates as PF1-4-1-1 and PF1-4.1.1.1, respectively). Clone 4.1.1 is specifically identified throughout the application, as filed, for example, on page 15, line 5 and in Figures 1 and 22. Subclone 4.1.1.1 is specifically identified in Figures 20 and 21, as filed. Copies of the ATCC deposit certificates are enclosed herewith.

Applicants have submitted concurrently herewith copies of a Declaration of Xiao Feng and a Second Declaration of Vahe Bedian that together corroborate that the deposited hybridoma clone 4.1.1 is specifically identified in the application, as filed [MPEP § 2406.02]. Both Declarations were filed in United States application 10/612,497, for which applicants paid the issue fee on November 2, 2005 and from which this application claims priority. Applicants also have enclosed herewith a copy of a Declaration of Vahe Bedian filed in United States application 09/472,087, now issued as United States patent 6,682,736, which is the parent application of United States application 10/612,497, from which this application claims priority, corroborating that clone 4.1.1.1 is specifically identified in the application, as filed.

Applicants also have amended claims 114, 122, 123, 130, 131, 137-139, 141, 149, 150, 156, 157, 160, 174-268 and 271-366 to improve their form and to place them in better form for acceptance. Specifically, applicants have amended claims 114, 247, 249, 251, 253 and 255 to add a period at the end of the sentence. Applicants have amended claims 114, 122, 130 and 149 to add the ATCC accession number for hybridoma 4.1.1. Support for this amendment is detailed above in the Remarks. Applicants have amended claims 131, 141, 150, 160, 217-246, 257-268 and 271-366 to add commas where necessary for better reading of the claims. Applicants have amended each of claims 123, 131, 141, 150 and 160 to add the appropriate claim status identifier. Applicants have amended claims 137, 138, 156 and 157 to remove an extra space at the end of each claim. Applicants have amended claim 139 to remove a question mark and replace it with a period at the end of the sentence. Applicants have amended claim 149 to insert a space between the words “with” and “the”. Applicants have amended claims 174-178 and 247-256 to delete the word “further”. Applicants also have amended the preambles of claims 179-204 to recite “a method for expressing and recovering a human monoclonal antibody that competes for binding to CTLA-4”. Applicants have also amended the preambles of claims 205-216 to recite “a method for expressing and recovering a human monoclonal antibody that binds to CTLA-4”. Support for these amendments may be found, for example, on page 53, line 24 through page 56, line 16 of the specification. Upon entry of the amendments, claims 105-366 will be pending.

None of these amendments adds new matter. Applicants request entry of the amendments and reconsideration of the claims.

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Sequence Identifiers

The Examiner has noted that certain sequences in the specification, for example, on pages 61, 66 and 67, are not accompanied by sequence identifiers as required.

Accordingly, applicants have amended the specification to insert sequence identifiers where appropriate [37 C.F.R. § 1.821-1.825]. All of the inserted sequence identifiers appear in the Sequence Listing submitted on July 9, 2004.

Title

Applicants have amended the title to reflect the subject matter of the pending claims.

Use of Trademarks

Applicants have amended the specification to denote trademarks in capital letters with accompanying generic terminology.

Informalities

The Examiner has requested clarification whether the cell lines “NSO₀”, which is referred to on page 49, line 19 of the specification and “NSO”, which is referred to on page 68, line 5 of the specification, are distinct cell lines.

The terms “NSO” and “NSO₀” refer to a well-known cell line that is interchangeably spoken of as “NS-zero” and “NS-oh”. Likewise, the cell line may be indicated in writing as both “NSO₀” and “NSO”. However, to expedite prosecution of this application, applicants have referred to the “NSO” cell line in claims 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 305, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356 and 358.

The Examiner also has requested correction of spelling errors and other clerical errors.

Accordingly, applicants have amended the specification to correct spelling errors and other clerical errors.

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Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 179-256 stand rejected under 35 U.S.C. §112, second paragraph, as “indefinite” for failing to particularly point out distinctly claim the subject matter, which applicants regard as their invention. Specifically, the Examiner contends that claims 179-256 lack a clear preamble such that one of ordinary skill in the art would not reasonably understand the metes and bounds of the claimed methods.

Applicants traverse. Claims 179-216 (and claims 217 to 256, which depend from them) recite methods comprising expressing a human monoclonal antibody in a claimed cell line and recovering the antibody. To expedite prosecution, however, and to improve the form of the claims applicants have amended the preamble of claims 179-204 to recite “a method for expressing and recovering a human monoclonal antibody that competes for binding to CTLA-4”. Applicants have also amended the preamble of claims 205-216 to recite “a method for expressing and recovering a human monoclonal antibody that binds to CTLA-4”. Applicants request withdrawal of the rejection.

Double Patenting Rejection

Claims 105-366 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting, as allegedly “unpatentable” over claims 116-124, 126-135, 137, 148-169, 171-190, 193-206, 209-222 and 225-235 of co-pending United States application 10/612,497 (“497 application”).

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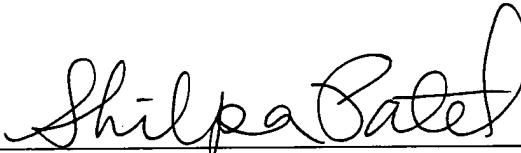
Applicants stand ready to file a Terminal Disclaimer in compliance with
37 C.F.R. §1.321(c) upon notice that the claims of the current application are allowable.

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CONCLUSION

Applicants request reconsideration of this application in view of the foregoing amendments and remarks, and early allowance of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, reading "Shilpa Patel", is written over a horizontal line.

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